

## 02-94 OVERTON v. BAZZETTA

Ruling below: CA 6, 286 F.3d 311.

### QUESTION PRESENTED

In 1995, the Michigan Department of Corrections revised its prison visitation policy to: (1) prohibit visits by a minor child, unless the minor is the child, stepchild or grandchild of the prisoner; (2) prohibit visits by a prisoner's child when the prisoner's parental rights have been terminated; (3) require that all visiting minor children be accompanied by a parent or legal guardian; (4) prohibit visits by former inmates unless the former inmate is in the prisoner's immediate family; and (5) impose a ban on visitation for a minimum of two years for any inmate found guilty of two or more major misconducts for substance abuse.

~~Do these restrictions, as set forth above, (a) violate a right of intimate association under the First Amendment as retained by an incarcerated felon or (b) constitute cruel and unusual punishment in violation of the Eighth Amendment?~~

CERT. GRANTED: 12/2/02

Limited to the following Questions:

1. Whether prisoners have a right to non-contact visitation protected by the First and Fourteenth Amendments.
2. Whether the restrictions on non-contact prison visitation imposed by the Michigan Department of Corrections are reasonably related to legitimate penological interests.
3. Whether the restrictions on non-contact prison visitation imposed by the Michigan Department of Corrections constitute cruel and unusual punishment in violation of the Eighth Amendment.